Permit No. WA-003081-3
Issuance Date: September 28, 2006
Effective Date: October 1, 2006
Expiration Date: September 28, 2011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003081-3

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.
authorizes

THE OESER COMPANY

P.O. Box 156

Bellingham, Washington 98227

Facility Location: 730 Marine Drive Bellingham, WA 98225 Whatcom County	Receiving Water: Little Squalicum Creek, tributary to Bellingham Bay
Waterbody I.D. No.: WA-01-0050	Discharge Location: Outfall 002: Latitude: 48° 46' 15" N Longitude: 122° 30' 50" W
SIC: 2491	Outfall 003: Latitude: 48° 46' 10" N Longitude: 122° 30' 50" W
Industry Type: Pressure Wood Treating	27 acres in S23, T38N, R2E

to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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GENERAL CONDITIONS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	November 30, 2006
S4.A	Operations and Maintenance Manual Update	Updates submitted as needed	
S4.B	Bypass Notification	As necessary	
S6.	Spill Plan Update	1/permit cycle, updates submitted as necessary	December 1, 2006
S8./G7.	Application Renewal	1/ permit cycle	By March 28, 2011
S9.A	Acute Toxicity Tests Summary Report	1/ permit cycle	By June 1, 2007
S10.	Dioxin and Furan Study	Once	April 1, 2008
S11.	Stormwater Pollution Prevention Plan Update	Once	By January 1, 2007
G1.	Notice of Change in Authorization	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not directly discharge process wastewaters to waters of the state.

Process wastewaters are defined as: a) all waste water generated as a result of conditioning wood prior to or during the treatment process; b) any waste waters generated as a result of preservative formulation, recovery or regeneration; c) any waste waters generated as a result of process area cleaning operations including, but not limited to, waste waters from the drip pad, retort and tank farm maintenance operations; d) vehicle maintenance and washing; e) any storm water associated with the process area including the tank farm, retort, and drip pad. Storm water from white wood or treated product storage areas is not considered process wastewater.

B. Stormwater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting until the expiration date, the Permittee is authorized to discharge treated stormwater from the treated and untreated product storage areas at the permitted locations subject to meeting the following limitations:

EFFLUENT LIMITATIONS Outfall 002 [c]	
Parameter	**Daily Maximum [a]**
Oil and Grease	10 mg/L
Pentachlorophenol [b]	9 µg/L
EFFLUENT LIMITATIONS Outfall 003 [d]	
pH (standard units)	Between 6 - 9 standard units

[a] The daily maximum effluent limitation is defined as the highest allowable daily discharge of a pollutant measured during a calendar day.

[b] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), or EPA Method 3580B/8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater than 0.5 µg/L.

[c] Outfall 002 is the discharge from the stormwater treatment system (settling, filtration and GAC) to the Cedarwood storm drain, prior to mixing with storm water from the Birchwood neighborhood. Outfall 001 discharges into the treatment system and is not sampled separately.

[d] Outfall 003 is the side bank discharge of the Cedarwood storm drain into Little Squalicum Creek. This discharge contains all the storm water from the Birchwood neighborhood, in addition to the Oeser treated stormwater from Outfalls 001 and 002.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall monitor the stormwater discharges according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency [2]	Sample Type
Flow [1]	Gallons	002	Monthly	Calculated
Oil and Grease	mg/L	002	Monthly	Grab
Total Petroleum Hydrocarbons (TPH) [3]	mg/L	002	Monthly	Grab
TSS	mg/L	002	Monthly	Grab
PCP[4]	µg/L	002	Monthly	Grab
pH	Standard Units	002 and 003 003 is the point of compliance	Monthly	Grab/meter

[1] Total flow shall be estimated for Outfall 002 based upon rainfall measurements or estimates, stormwater collection area and an estimate of the runoff coefficient of the drainage area [for example, low (under 40 percent), medium (40-65 percent), or high (above 65 percent)] for each storm event sampled.

[2] The sampling frequency for storm water shall be once every month for all twelve months of the year. All samples shall be collected from the discharge resulting from a storm event that is equal to or greater than 0.1 inch in magnitude and that occurs at least 48 hours from the previously significant storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two (2) hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.

[3] Total Petroleum Hydrocarbons (TPH) shall be analyzed by Ecology Method NWTPH-Dx**.** After two (2) years of data collection, a limit will be imposed, if indicated, via a permit modification.

[4] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), EPA Method 3580B8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater then 0.5 µg/L.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

S3. REPORTING AND RECORD KEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring shall be conducted all twelve months of the year. Monitoring results shall be submitted **monthly**. Monitoring data obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department, and be received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

WA State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results and a discussion on the comment section at the bottom of the form.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention may be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem, and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the re-sampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATIONS AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operations and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual Update

An updated Operations and Maintenance (O&M) Manual for facilities or systems installed to achieve compliance with the terms and conditions of this permit, was submitted to the Department with the permit application in July 2005. The O&M Manual shall be reviewed by the Permittee at least once per year. Substantial changes or updates to the O&M Manual shall be submitted to the Department within thirty (30) days of incorporation into the manual.

The Operations and Maintenance Manual shall be kept available at the permitted facility, and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.

2. Plant maintenance procedures.

3. The treatment plant process control-monitoring schedule.

The following information shall be summarized in the initial chapter of the O&M Manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically-defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1 at the production levels used in developing these limitations.

2. In the event of production rates which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shutdowns, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, and so on).

5. A detailed discussion on how solids will be handled in the stormwater treatment system.

An updated Treatment System Operating Plan shall be submitted to the Department, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with Condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water

quality criteria exceedance is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions—Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, chapter 173-201A WAC, or the State Ground Water Quality Standards, chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S6. SPILL PLAN

The Permittee shall by December 1, 2006, submit to the Department an update to the existing Spill Control Plan. The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by chapter 173-303 WAC may be submitted.

S7. BEST MANAGEMENT PRACTICES

The following Best Management Practices (BMPs) are to be fully implemented throughout the life of this permit. These (BMPs) shall be incorporated into the Stormwater Pollution Prevention Plan as appropriate.

1. Where treatment chemicals including treatment formulation precursors (except uncontaminated water) are received, stored, processed or otherwise handled, appropriate containment, drainage control, and/or diversionary structures shall be provided to prevent storm water run-on and contamination. Such structures may include: roofs, covers, curbing, culverts, gutters, or similar structures to prevent the contact of uncontaminated storm water with process wastewater or process pollutants.

2. All liquid chemical storage and process areas shall have secondary containment sufficient to contain the capacity of the largest single tank or vessel plus ten percent. Secondary containment systems shall be sufficiently impervious to contain spilled chemicals until they can be removed or treated.

3. Treated product, upon the removal from the retort shall remain on the drip pad until it has ceased dripping as defined in 40 CFR Part 264.572 (k) and 40 CFR Part 265.443 (k). Treated product shall be periodically manipulated while on the drip pad to allow the removal of excess treating solution from cracks, checks, and from within bundles or units of wood.

4. Drip pads shall be designed, installed, and operated in accordance with the requirements for drip pads contained in 40 CFR Part 264 and 40 CFR Part 265.

5. Separate material handling equipment (fork lifts, pettibones, and so on) shall be used for treated and untreated wood whenever feasible. When separate material handling equipment is not feasible, actions shall be taken to ensure that process pollutants are not tracked to the untreated wood (white wood) storage yard.

6. Storm water originating from areas outside the treated product storage area(s) shall be diverted away from the treated product storage area(s). Runoff from the treated product storage area shall be collected or channeled to one or more discrete discharge points to facilitate storm water sample collection.

7. To the maximum extent practicable, untreated and treated wood shall be stored separately.

8. When not in use, trams shall be stored in such a manner that they will not come into contact with storm water.

9. The use of detergents and emulsifiers for equipment cleaning, maintenance, and repair which results in a discharge to waters of the state shall be prohibited unless adequate treatment is provided. Oil/water separators and/or sedimentation are not considered adequate treatment.

10. Infiltration of storm water runoff from the treated product storage areas shall be prevented to the maximum extent practicable.

S8. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by March 28, 2011.

S9. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the fall of 2006 and once in January or February of 2007. The two species listed below shall be used on each sample and the results submitted to the Department by June 1, 2007. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100 percent effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).

2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 0 - 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.

6. The Permittee may sample receiving water at the same time as the effluent and instruct the lab to measure the hardness of both and increase the hardness of the effluent sample to match the hardness of the receiving water sample prior to beginning the toxicity test. Otherwise, the toxicity test shall be run on an unmodified sample of the effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. DIOXIN AND FURAN STUDY

A. Dioxin and Furan Analysis

The Permittee shall conduct dioxin and furan analyses in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section. Stormwater samples from the treated stormwater discharge from Outfall 002, as specified under S1 of this permit, shall be analyzed for:

Dioxins and Furans:

2,3,7,8-Tetrachlorodibenzo-*p*-dioxin
Tetrachlorodibenzo-*p*-dioxins
Pentachlorodibenzo- *p*-dioxins
Hexachlorodibenzo- *p*-dioxins
Heptachlorodibenzo *p*-dioxins
Octachlorodibenzo- *p*-dioxins
Tetrachlorodibenzofurans
Pentachlorodibenzofurans
Hexachlorodibenzofurans
Heptachlorodibenzofurans
Octachlorodibenzofurans

B. Monitoring Requirements

1. A grab sample of stormwater runoff shall be collected from Outfall 002 in October 2007.

   The stormwater grab sample shall be collected from a discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously significant storm event. The stormwater grab sample shall be taken during the first sixty (60) minutes of discharge. Sample collection, storage and analysis shall follow the protocols in S10.C below.

2. The results of the Dioxin and Furan Study shall be submitted to the Department by April 1, 2008. The report shall include: quality assurance and quality control procedures for sample collection, transport, and analysis; for stormwater samples the magnitude and duration of the storm event sampled, the time since the last storm event and the magnitude of the last storm event.

   The Department may issue an order or modify this permit based upon the results of the Dioxin and Furan Study. A modification may include effluent limits for dioxins and furans.

C. Protocols

1. Sampling for dioxins and furans shall be in accordance with Appendix B of the USEPA/Paper Industry Cooperative Dioxin Screening Study (EPA 440/1-88-025, March 1988).

2. In accordance with 40 CFR 122.41(j)(4), dioxins and furans shall be analyzed using either:

   EPA Method 1613: Tetra-through Octa-chlorinated Dioxins and Furans by Isotope Dilution; or

   NCASI Procedures for the Preparation and Isomer Specific Analysis of Pulp and Paper Industry Samples for 2,3,7,8-TCDD and 2,3,7,8-TCDF: Technical Bulletin No 551; or, an equivalent method approved in advance by the Department.

S11. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Prevention Plan (SWPPP) by January 1, 2007.

The Permittee shall modify the existing SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementation unless Ecology approves immediate implementation of the modifications. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2 must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit.

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit.

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities.

E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

A. Violation of any permit term or condition;

B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;

C. A material change in quantity or type of waste disposal;

D. A material change in the condition of the waters of the state; or

E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one hundred eighty (180) days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department.

B. A copy of the permit is provided to the new owner.

C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to Section A above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be re-suspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under chapter 173-224 WAC are not paid.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.